

Application Serial No. 09/704,379
Docket No. 10655.7600
Amendment and Reply dated October 5, 2004
Reply to Restriction Requirement mailed on September 27, 2004

REMARKS

The Examiner has asserted a Restriction Requirement under 35 U.S.C. § 121 requiring restriction of the application as follows:

Group I: Claims 1-58 drawn to a method of and system and apparatus for facilitating commercial transactions between individuals using a transaction mechanism as a third party that validates the transactions wherein the individuals are registered with the transaction mechanism;

Group II: Claims 59-69 drawn to method of processing a plurality of financial transactions such that a financial transaction record is created for each of a plurality of request to debit a plurality of financial accounts and each financial transaction record is individually submitted to an acceptance system.

Applicant respectfully submits that examination of all currently pending claims would not pose an undue burden on the Examiner. Section 803 of The Manual of Patent Examining Procedure states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants therefore respectfully request examination of all currently pending claims.

However, Applicant hereby elects Group I, Species A consisting of Claims 2-10, 15-16, 18-19, 21-25, 34-42, 47-48, 50-51 and 53-58, for prosecution in this application. Applicant has selected Group I in order to expedite prosecution of this application. Applicant does not acquiesce to the Examiner's foundation for the Restriction Requirement as set forth in the Office Action. Accordingly, the foregoing election is made without waiver, estoppel or without prejudice to the filing of one or more related applications directed to the subject matter of the canceled claims.

The foregoing amendment conforms this application to the Examiner's Restriction Requirement dated September 27, 2004. Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. Should the Examiner have any suggestions to place the application in even better condition for allowance, Applicants request that the Examiner contact the undersigned representative at the

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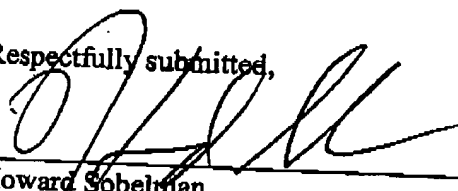
telephone number listed below. No new matter is added in this Response. Reconsideration of the application is thus requested.

Dated: October 6, 2004

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Respectfully submitted,

By:


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